Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of Telecommunications Relay Services, and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities	)))))	CC Docket No. 98-67

COMMENTS OF WYND COMMUNICATIONS CORPORATION

Wynd Communications Corporation (Wynd) respectfully submits these Reply Comments to the Commission's Notice of Proposed Rulemaking in the above-captioned proceeding. We appreciate the opportunity to comment.

Wynd is a value-added reseller of wireless telecommunications services on the BellSouth Wireless Data Network. With the use of a hand-held device, our WyndTell service enables two-way messaging services to and from TTY, E-mail, other pagers, and telephones, and the ability to send faxes. WyndTell is targeted specifically for people who are deaf or hard of hearing and who need the ability to communicate with others, safely, conveniently, and in time of emergency, when away from home.

Our objective in this filing is to support the FCC's tentative conclusion in ¶14 that Title IV of the Americans with Disabilities Act is not intended to be limited to services using TTYs. Furthermore, we request that the FCC, as part of this proceeding, specifically recognize wireless (i.e. transmitted by radio signal) messaging service as an example of new technology that should be integrated in telecommunication relay services (TRS) with the cost of two-way message relay (text-to-voice and voice-to-text) recoverable from TRS funds. We offer the following citations in support of this request:

1. Title IV of the ADA and the Commission's rules define TRS as:

> "...[t]elephone transmission services that provide the ability for an individual who has a hearing impairment or speech impairment to communicate by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing impairment or speech impairment to communicate using voice communication services by wire or radio." (Emphasis added). (47 U.S.C.§ 225(a)(3); 47 C.F.R. § 64.601(7)

2. Congress stated in House Report II at 130 in part:

> "The hearing and speech-impaired communities should be allowed to benefit from advancing technology. As such, the provisions of the Section do not seek to entrench current technology, but rather to allow for new, more efficient and more advanced technology." (Emphasis added.)

3. Paragraph 14 of the NPRM states the FCC's interest in fostering inclusion of new technologies:

> "We tentatively conclude that Title IV of the ADA is applicable to any wire or radio communication service that enables persons with hearing or speech disabilities to engage in communication with persons without such disabilities and is not limited to services using TTYs. Our tentative conclusion is based on the plain language of Title IV together with Congress' direction to the Commission to ensure that its regulations do not limit or discourage the deployment of new technologies. We believe that Title IV's language and structure establish that Congress intended TRS to be an evolving service that would expand beyond traditional TTY relay service as new technologies developed. We seek comment on our tentative conclusion." (Emphasis added.)

4. FCC Part 64, Subpart F, 64.604(c)4.iii.A:

> "Contributions (to the Interstate TRS Fund administered by the National Exchange Carriers Association) shall be made by all carriers who provide interstate services, including, but not limited to, cellular telephone and paging, mobile radio, operator services, personal communications service (PCS)..."

In sum, messaging services such as WyndTell exemplify new and more advanced technology that allows a person who is deaf, hard of hearing, or speech-impaired to communicate by radio utilizing the WyndTell service over the wireless network of BellSouth Wireless Data, a contributor to the Interstate TRS fund.

Broad support for the FCC's tentative conclusion that TRS is not limited to services using TTYs is clearly evident from individuals, organizations, regulatory bodies, and relay service providers who submitted comments in the first phase of this proceeding. This includes comments filed by Sprint, MCI, Texas Public Utilities Commission, California Public Utilities Commission and California's Deaf and Disabled Telecommunications Program, Maryland Department of Budget and Management, USA Deaf Sports Federation, University Legal Services, Telecommunications for the Deaf Inc., National Association of the Deaf and Consumer Action Network, President's Committee on Employment of People with Disabilities, Self Help for Hard of Hearing People, Access to Independence and Mobility, Stephen Gregory, James Stoltz, and Alfred Sonnenstrahl.

Wireless two-way messaging services represent an important telecommunication option for people who are deaf, hard of hearing, or speech-impaired, including the ability to get

assistance in time of emergency. People are attracted to such services because of the scarcity of public payphone TTYs, and the problems imposed by inaccessible roadside emergency call boxes, inclement weather, the fear of getting out of the car in an unsafe neighborhood to make a phone call, and lack of a personal TTY when away from home. Indeed, the most frequently asked question at demonstrations and trade shows is whether such messaging service is able to contact TRS, 911, and AAA.

In terms of employment, it is commonly understood that there is a strong correlation between effective communications and both effective performance and upward mobility on the job. Many individuals who are deaf. hard of hearing, or speech-impaired are underemployed. A recent survey of selected WyndTell customers showed that 100% believe that live operator message delivery would be beneficial in their work and 90% said their co-workers have access to voice mail, with the majority indicating that wireless two-way service such as WyndTell is functionally equivalent to voice mail.

Customers of two-way wireless telecommunication services should be able to send a text message to a TRS center requesting the relay of that message to a voice number and have the option of receiving a reply in return. Some examples of this application:

1. A deaf executive is dealing with a delayed flight that will cause her to be late for an important appointment with a contractor. She sends a text message to TRS from her wireless two-way pager asking for relay of a message to the contractor, informing him she will be late and asking if he will still be able to see her. TRS would place the call, give the message and relay the answer back to the originating pager.

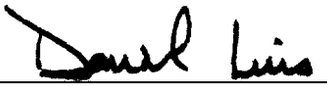
2. While driving in an unfamiliar neighborhood, the car of a young man who is speech-impaired runs out of gas. He sends a text message to TRS from a wireless two-way pager asking for relay of a message to AAA, describing the nature of the roadside emergency, the location and description of the vehicle, and his AAA membership number. TRS would place the call, give the message, take a message such as a request for further details or assurance that help is on the way, and relay that back to the originating two-way pager.

3. While shopping, a hard of hearing woman is struck with stomach pains, sends a text message to TRS from a wireiess two-way pager requesting relay of a message to a doctor's office asking if she can come in right away to be seen by the doctor. TRS would place the call, give the message and find out the answer, which would, in turn, be relayed back to the originating pager.

By association, Wynd also agrees with the principle in the FCC's tentative conclusion in ¶ 24 of the NPRM that the adoption of federal rules is sometimes necessary, not only in regard to speech-to-speech calls referred to in that particular paragraph, but also in regard to the recognition that TRS can and should be accessible to deaf, hard of hearing, and speech-impaired individuals who use technologies other than a TTY, such as two-way messaging services.

Respectfully submitted,

WYND COMMUNICATIONS CORPORATION



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